

## REMARKS

In a telephone conversation between Examiner and Applicant on **16 April 2008**, Examiner raised the issue of potential rejection under 35 U.S.C. § 101 for claims 34-37 averring that these claims were directed toward non-statutory subject matter.

### Amendment to the Specification

Applicant has amended the specification to limit the computer readable medium to tangible embodiment thus obviating any potential non-statutory subject matter rejection.

### Rejections under 35 U.S.C. § 101

Examiner states that claims 34-37 face potential rejection under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. More specifically, Examiner avers that it is not clear whether the “memory structure” recited in the preamble of claim 34 refers to hardware or software.

Applicant has amended claims 34-37 to change the preambles from “computer readable medium containing a memory structure” to “computer readable memory structure.” Applicant respectfully points out that a memory structure refers to hardware (and not a software memory structure), as is disclosed in page 13 and FIG. 2 of the instant application. More specifically, the memory structure in embodiments of the present invention is **computer readable** memory structure which includes both volatile (e.g., RAM) and/or non-volatile (e.g., ROM, disk) memory structures.

Hence, Applicant respectfully submits that independent claims 1, 13, 16, 29, and 38 as previously presented, and claim 34, as currently amended, are in condition for allowance. Applicant also submits that the dependent claims that

depend upon the independent claims are for the same reasons in condition for allowance.

**CONCLUSION**

It is submitted that the application is presently in form for allowance.  
Such action is respectfully requested.

Respectfully submitted,

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